The Library of Congress'

EARLY STATE RECORDS PROJECT

converted from the original microfilm held by the
Vincent C. Immel Law Library, Saint Louis University

through the generous support of a grant from the

Council on Library and Information Resources

SPECIAL SESSION.

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

SPECIAL SESSION.

HOUSE OF REPRESENTATIVES,
Friday, Dec. 2, 1881.

The House of Representatives of the Legislative Assembly of Washington Territory met in extra session thereof persuant to a Proclamation issued by the Governor, on this Friday, the second day of December, A. D., 1881.

House called to order by the Hon. George W. Comegys the Speaker of the House at the eighth biennial session of said Legislative Assembly.

The following named persons, members of the said eighth biennial session, were present—to wit:

Messrs. Alexander, Allen, Catlin, Clark, Comegys, Cornwall, Dillon, Freeman, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman—24.

The Speaker *pro tem.* read the Proclamation by the Governor calling this extra session.

When the House proceeded to effect a permanent organization by the unanimous election of the following officers, to wit:

Hon. Geo. W. Comegys ..... *Speaker*
E. R. Burk ..... *Chief Clerk*
Wm. H. Hughes ..... *Asst. Clerk*
Cornelia Newton ..... *Enrolling Clerk*
Lizzie P. Ferry ..... *Engrossing Clerk*
L. P. Berry ..... *Sergeant-at-Arms and Door Keeper*
J. J. Calhoun ..... *Messenger*
Geo. D. Forbes ..... *Watchman*
Daniel Bagley ..... *Chaplain*

On motion a committee of three—consisting of Messrs. Kuhn, Rees and Smith of Whitman was appointed by the Speaker on credentials.

Report of the committee on Credentials

MR SPEAKER—

Your committee on Credentials beg leave to report

That from the records in the office of the Territorial Secretary we find the following named persons were elected at the general election in 1880 as Representatives and are entitled to seats in this House of Representatives, to wit:

Orin Kincaid—For the county of Whatcom.

John Alexander—For the counties of Island, Snohomish and San Juan.

L. P. Smith and Watson Allen—For the county of King.

G. W. Raymond—For the counties of Kitsap and King.

J. A. Kuhn—For the counties of Mason, Jefferson and Clallam.

Stephen Judson—For the county of Pierce.

J. A. Karr—For the counties of Pierce, Thurston and Chehalis.

A. Van Eaton—For the county of Thurston.

Thos. Warman and Adam Catlin—For the counties of Cowlitz, Lewis, Wahkiakum and Pacific.

W. H. Dillon—For the county of Clarke.

W. D. Smith—For the county of Klickitat.

W. W. Holcomb—For the counties of Klickitat, Clarke and Skamania.

Geo. S. Taylor—For the county of Yakima.

James O'Neil—For the counties of Stevens and Spokan.

T. J. Smith and Geo. Comegys—For the county of Whitman.

R. P. Steen, W. L. Freeman and Wm. Clark—For the county of Columbia.

R. R. Rees and Wm. Preston—For the county of Walla Walla.

J. M. Cornwall—For the counties of Walla Walla and Whitman.

Respectfully submitted.
J. A. KUHN,
R. R. REES,
T. J. SMITH,
Committee.

On motion the report was adopted.

On invitation, Hon. N. H. Owings came within the bar and administered the oath of office to the members and officers.

On motion the House adjourned until 2 P. M.

AFTERNOON SESSION.

House called to order by the Speaker.

All the members present at roll call but Messrs. Clark and Karr.

The Clerk was instructed to inform the Council that the House had effected a permanent organization and was now ready to proceed with business.

Message from the Council:

COUNCIL CHAMBER,
Dec. 2, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has permanently organized by the election of the following officers:

H. F. Stratton.....*President*
R. G. O'Brien.....*Chief Clerk*
John DeTiere.....*Asst. Clerk*
Miss L. L. McMillan.....*Enrolling and Engrossing Clerk*
Frank E. Moore.....*Messenger*
Rev. J. R. Thompson.....*Chaplain*
H. H. Morgan.....*Serguve-at-Arms and Door-keeper*
Lewis McMillan.....*Watchman*

And are ready to proceed to business.

R. G. O'BRIEN,
Chief Clerk.

Mr. Smith of King introduced,

H. J. R. 1.—Relative to appointing a Joint committee to wait upon the Governor.

Read first time.

Read the second and third time by title under suspension of the rules.

Then went to vote as follows.

Ayes—20.

Absent—Messrs. Allen, Clark, Freeman and Kincaid—4.

Resolution passed.

The Clerk was instructed to report the same to the Council now

Mr. Smith of King was appointed on part of the House to wait upon the Governor.

Message from the Council:

COUNCIL CHAMBER,
Dec. 2, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed.

H. J. R. 1.—Relative to Joint committee to wait upon the Governor.

Herewith returned

R. G. O'BRIEN,
Chief Clerk.

Mr. Smith of King from the Joint committee appointed to wait upon the Governor made a verbal report stating they had performed the duty assigned and that the Governor would communicate a message to the House in a few moments.

On motion of Mr. Holcomb,

The rules and Joint rules of the 8th biennial session were adopted by the House for this session.

Message from the Governor:—

TERRITORY OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 2, 1881.

To the members of the Council and House of Representatives of Washington:

GENTLEMEN:—I have convened you in extra session by virtue of power vested in me by organic law—and by special authority from the President of the United States—in order that further time may be afforded to complete the revision and codification of the statutes of Washington Territory and to legislate for their publication.

This important and laborious work has been far advanced during your regular session, and nearly all the principal measures connected therewith have become laws.

Statutes have been enacted which provide for the assessment and collection of Territorial and County Revenue.

Relative to crimes and punishments and proceedings in criminal cases.

To regulate the practice and proceedings in civil actions.

Defining the jurisdiction and practice of the probate courts.

Relating to Justices of the Peace and their practice and jurisdiction.

Relating to liens.

Relating to election and the mode of supplying vacancies.

To fix the number of members of the Legislative Assembly and apportion the same.

To regulates suits for divorce and alimony.

To define the rights of property of married persons.

Relating to roads and highways.

Laws relating to county officers.

Several important measures remain to be considered in connection with the revision which in addition to those here designated when adopted will necessitate and justify the publication in one volume of the revised statutes of Washington Territory.

To provide for that consummation and all matters necessarily connected therewith, your careful consideration will be required.

Wishing for you the fullest success of an undertaking which will redound to your honor as Representatives and

be productive of great advantage to the people whom we represent.

I am with profound respect
WM. A. NEWELL.

The Speaker announced the following as standing committees,

WAYS, MEANS AND CLAIMS.

Messrs. Preston, Rees, Smith of King, Judson and Smith of Klickitat.

EDUCATION.

Messrs. Karr, Rees and Dillon.

JUDICIARY.

Messrs. Kuhn, Judson, Holcomb, Smith of Whitman and Karr.

ROADS AND HIGHWAYS.

Messrs. Cornwall, Steen, Allen, Smith of Klickitat and Catlin.

ENGROSSED BILLS.

Messrs. Steen, Preston and Smith of King.

ENROLLED BILLS.

Messrs. Rees, Raymond and Smith of Whitman.

INDIAN AFFAIRS.

Messrs. O'Neil, Allen and Catlin.

COMMERCE AND FISHERIES.

Messrs. Warman, Alexander and Kuhn.

PRINTING.

Messrs. Raymond, Warman and Rees.

CORPORATIONS.

Messrs. Kincaid, Clark and Taylor.

COUNTIES.

Messrs. Smith of Whitman, Van Eaton, Preston, Kincaid and Steen.

RULES AND ORDERS.

Messrs. Judson, Alexander and Holcomb.

AGRICULTURE.

Messrs. Van Eaton, Clark, Taylor, Allen and Catlin.

TERRITORIAL LIBRARY, PUBLIC BUILDINGS AND GROUNDS.

Messrs. Alexander, Holcomb and Cornwall.

FEDERAL RELATIONS AND MEMORIALS.

Messrs. Holcomb, Warman and Judson.

HOSPITAL FOR INSANE.

Messrs. Smith of King, Cornwall, Van Eaton, Taylor and Freeman.

MILITARY AFFAIRS.

Messrs. O'Neil, Raymond and Freeman.

MINES AND MINING.

Messrs. Kincaid, Allen and Freeman.

PRIVILEGES AND ELECTIONS.

Messrs. Karr, Dillon and Smith of Klickitat.

PENITENTIARY AFFAIRS.

Messrs. Allen, Rees and Smith of Klickitat.

The following Code bills were introduced:

H. B. 1.—An act to dispose of certain persons held in custody.

Read first time by title.

Read second and third time by title under suspension of the rules.

And went to vote with the following result:

Ayes.—Messrs. Alexander, Catlin, Cornwall, Dillon, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Preston, Raymond, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—20.

Absent—Messrs. Allen, Clark, Freeman and Smith of King—4.

Bill passed and title agreed to.

H. B. 2.—An act in relation to Landlord and Tenant.

Read first time

And second and third time by title under suspension of the rules.

Then went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Dillon, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Warman, Van Eaton and Mr. Speaker—20.

Absent—Messrs. Allen, Clark, Freeman, Preston—4.

Bill passed and title agreed to.

H. B. 3.—An act to fix the age of majority.

Read first time.

And read second and third time by title under suspension of the rules.

And then went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Dillon, Freeman, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—21.

Absent—Messrs. Allen, Clark and Preston—3.

Bill passed and title agreed to.

H. B. 4.—An act relative to unclaimed property and lost money or goods.

Read first time by title.

Read second time by title

Read third time by title under suspension of the rules

And went to vote with the following result:

Ayes—Messrs. Alexander, Catlin, Cornwall, Dillon, Freeman, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Pres-

ton, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Raymond, Warman and Mr. Speaker—22.

Absent—Messrs. Allen, Clark—2.

Bill passed and title agreed to.

H. B. 5.—An act in relation to the Clerks of the Supreme and District Courts, and prescribing certain duties for such Clerks.

Was read first time.

And second time by title under suspension of rules.

Bill read third time by title under further suspension of the rules

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Dillon, Freeman, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—23.

Absent—Mr. Clark—1.

Bill passed and title agreed to.

H. B. 6.—An act in relation to County Treasurer.

Read first time.

Read second and third times by title under suspension of the rules.

On motion the bill was amended by striking out of Sec. 10 all after the word "presentment" and in Sec. 13 strike out "annually and at the regular September term thereof" and inserting in lieu "last sentence "as required by law."

And went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Dillon, Freeman, Holcomb, Judson, Karr, Kuhn, O'Neil, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Van Eaton, Warman and Mr. Speaker—17.

Noes—Messrs. Raymond and Taylor—2.

Absent—Messrs. Allen, Clark, Kincaid, Preston, Rees—5.

Bill passed and title agreed to.

The clerk was instructed to report bills passed to the Council now.

H. B. 7.—An act in relation to recording of town plats.

Read first time.

Read second and third times by title under suspension of the rules

And went to vote with the following result:

Ayes—21.

Noes—None.

Absent—Messrs. Allen, Clark and Steen—3.

Bill passed and title agreed to.

Messrs. Dillon and Clark were granted indefinite leave of absence on account of sickness.

Mr. Judson introduced,

H. B. 8.—An act to provide for the publication and distribution of the Code of Washington Territory.

Read first time.

Read second time under suspension of the rules.

Referred to the committee on Ways, Means and Claims

Code committee introduced,

H. B. 9.—An act to authorize the construction of drains ditches and water courses.

Read first time.

Read second time by title.

Read third time by title under suspension of the rules.

The bill then went to vote as follows:

Ayes—20.

Noes—None.

Absent—Messrs. Clark, Holcomb, Judson and Steen—4.

Bill passed and title agreed to.

H. B. 10.—An act relative to coroners.

Read first time. Read second time by title under suspension of the rules.

And on motion the bill was referred to the committee on Commerce and Fisheries.

H. B. 11.—An act to provide against dangerous and vicious cattle.

Read first time.

Read second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—18.

Noes—Mr. Freeman—1.

Absent—Messrs. Judson, Raymond, Smith of Klickitat, Smith of Whitman and Clark—5.

Bill passed and title agreed to.

H. B. 12.—An act in relation to scows, skiffs, boats, canoes, and other water craft found adrift.

Read first time

Read second and third time by title, under suspension of rules.

On motion of Mr. Warman,

Section 8 was stricken out.

The bill then went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Holcomb, Judson, Karr, Kincaid, Kuhn, O'Neil, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—21.

Noes—None.

Absent—Messrs. Clark, Dillon, Preston—3.

Bill passed and title agreed to.

Geo. D. Forbes, Watchman elect, appeared and was sworn in by the Speaker.

On motion the House adjourned.

GEORGE COMEGYS,
Speaker of the House.

E. R. BURK,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Saturday, Dec. 3, 1881.

House called to order by the Speaker.

All the members were present at roll call but Messrs. Dillon and Clark absent on leave.

Journal of yesterday read, corrected and approved.

Mr. Holcomb introduced the following resolution:

Resolved, By the House of Representatives that W. H. Johnson, the door-keeper of the eighth biennial session have our thanks for the efficient manner in which he attended his official duties.

Mr. Karr introduced

H. J. R. 2.—Relative to new business.

Read first time.

Read second time by title under suspension of the rules.

And amended.

Rules further suspended.

The bill was read third time

And went to vote with the following result:

Ayes—Messrs. Alexander, Catlin, Cornwall, Freeman, Judson, Karr, O'Neil, Raymond, Rees, Smith of King, Smith of Klickitat, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—16.

Noes—Messrs. Allen, Holcomb, Preston—3.

Absent—Messrs. Kincaid, Kuhn, Smith of Whitman, Clark, Dillon—5.

The resolution passed.

Mr. O'Neil was granted indefinite leave of absence.

On motion the clerk was instructed to request the return from the Council of

H. B. 6.—An act in relation to County Treasurer.

The bill was returned and amended as originally intended by striking out after first "permanent" in Sec. 10.

H. B. 13.—An act relating to deeds.

Read first time.

Read second time by title under suspension of the rules.

And referred to the committee on Ways, Means and Claims

On leave the following report was read from the Committee on Ways, Means and Claims

MR. SPEAKER—

Your committee on Ways, Means and Claims to whom was referred

H. B. 8.—An act to provide for the publication and distribution of the Code of W. T.

Have had the same under consideration and recommend

To strike out Sec. 7 and insert in lieu thereof the accompanying 4 sections

And recommend its passage.

W. G. PRESTON,
Chairman.

On motion the report was adopted.

Amendment inserted.

The bill was further amended to read

A copy be furnished each clerk of the district courts and County Commissioners.

Mr. Van Eaton moved the following amendment:

Provided no bid shall be received from any firm or person to perform the work unless such work shall be performed within the Territory of Washington.

Amendment lost.

Ayes—6.

Noes—15.

Bill read third time

And went to vote with the following result:

Ayes—21.

Noes—Clark and Dillon—2.

Absent—Mr. Smith of Whitman—1.

Bill passed and title agreed to.

Message from the Council:

COUNCIL CHAMBER,
Dec. 2, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C. B. 1.—An act to provide a system of common schools.

Herewith transmitted for your consideration

Also

H. B. 1.—An act to dispose of certain persons held in custody.

H. B. 2.—An act in relation to Landlord and Tenant.

H. B. 3.—An act to fix the age of majority.

H. B. 4.—An act relative to unclaimed property and lost money or goods.

H. B. 5.—An act in relation to Clerks of the Supreme

and District Courts, and prescribing certain duties for such Clerks.

H. B. 7.—An act in relation to recording of town plats.

H. B. 9.—An act to authorize the construction of drains, ditches and water courses.

H. B. 11.—An act to provide against dangerous and vicious cattle.

H. B. 12.—An act in relation to scows, skiffs, boats, canoes, and other water craft found adrift.

All of which is herewith returned.

Also

That there has been introduced,

C. B. 2.—An act appropriating money to the University of Washington on securing title thereto.

R. G. O'BRIEN,
Chief Clerk.

Mr. Smith of Whitman was granted indefinite leave of absence.

Mr. Kuhn in the chair.

Mr. Kuhn introduced,

H. J. R. 3.—Relative to Codification committee.

Read first time.

Resolution read second time by title under suspension of the rules

The resolution was amended and read a third time under further suspension of the rules.

And then went to vote as follows:

Ayes—21.

Noes—None.

Absent—3.

Resolution passed.

The clerk was instructed to report all business to the Council

Message from the Council.

COUNCIL CHAMBER,
Dec. 3, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has considered

H. J. R. 2.—Relative to new business.

And have referred the matter to the Joint committee of rules and order of both Houses and announce as the committee on part of the Council Messrs. Hunter, Sharpstein and Evans.

R. G. O'BRIEN,
Chief Clerk.

The Speaker appointed Messrs. Catlin, Judson and Karr committee on part of the House on the above resolution.

Report of the committee on Enrolled bills.

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 1.—An act to dispose of certain persons held in custody.

H. B. 2.—An act in relation to Landlord and Tenant.

Have compared the same and find them correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice of signing the same.

House adjourned until 2 P. M.

AFTERNOON SESSION.

House called to order by the Speaker.

At roll call all members answered to their names but Messrs. Clark and Dillon absent on leave, and Freeman and Steen.

PROPOSITIONS AND MOTIONS.

H. B. 14.—An act in relation to the improvement of tide lands.

Read first time

Read second time by title under suspension of the rules.

And on motion referred to the committee on Agriculture

H. B. 15.—An act in relation to grand and petit jurors.

Read first time.

Read second time by title under suspension of the rules.

And on motion referred to the committee on Counties.

H. B. 16.—An act in relation to librarian.

Read the first time.

Read the second time by title under suspension of the rules.

On motion Sec. 14. was stricken out.

The bill was read the third time

Under suspension of the rules

The bill then went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Holcomb, Judson, Karr, O'Neil, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—15.

Noes—Messrs. Allen, Kincaid, Kuhn, Preston, Raymond, Smith of King—6.

Absent—Mr. Freeman—1.

Bill passed and title agreed to.

Report of committee on Commerce and Fisheries

MR. SPEAKER—

Your committee on Commerce and Fisheries to whom was referred

H. B. 10.—An act relative to coroners.

Have had the same under consideration and report the same back with amendment

That Sec. 20 be amended by adding: "Providing that the Coroners or Justice of the Peace shall not hold an inquest on the bodies of persons washed ashore on the beach by reason of shipwreck unless there be good reason to believe that they come to their death by violence or foully at the hands of some person or persons."

And so amended that it do pass.

THOMAS WARMAN,
Chairman.

On motion the report was adopted.

The bill was further amended by striking out "20 cents mileage" when it occurs and inserting in lieu thereof "10 cents."

The bill as amended read third time and went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Holcomb, Judson, Karr, Kincaid, O'Neil, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Warman, Van Eaton and Mr. Speaker—20.

Absent—Messrs. Freeman and Kuhn—2.

Absent on leave—Messrs Clark, Dillon—2.

Bill passed and title agreed to.

H. B. 17.—An act to prevent fraudulent conveyances.

The bill read the first time.

Read second and third time by title under suspension of the rules

And went to vote with the following result:

Ayes—19.

Noes—None.

Absent—5.

Bill passed and title agreed to.

On motion of Mr. Karr,

The House took up

C. B. 1.—An act to provide a system of common schools.

Read first time.

Read second time by title under suspension of the rules.

Referred to committee on Education and Ways, Means and Claims.

On motion the House took up the following report.

Report of committee on Counties

MR. SPEAKER—

Your committee on Counties to whom was referred.

H. B. 15.—An act in relation to grand and petit jurors.

Have had the same under consideration and report the same back with the recommendation that it do pass.

T. J. SMITH,
Chairman.

On motion referred to the committee on Judiciary.

Message from the Council:

COUNCIL CHAMBER,
Dec. 3, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

H. B. 1.—An act to dispose of certain persons.

H. B. 2.—An act in relation to landlord and tenant.

And that the Council has passed

H. B. 6.—An act in relation to County Treasurer.

H. J. R. 3.—Relative to codification committee.

And

C. B. 3.—An act for the regulation of Telegraphs and to secure secrecy and fidelity in the transmission of telegraphic messages.

C. B. 4.—An act relative to the vacation of town plats.

C. B. 7.—An act to regulate interest on mortgages.

Herewith transmitted for your consideration.

R. G. O'BRIEN,
Chief Clerk.

H. B. 18.—An act in relation to Attorneys and counselors at law.

Was read first time.

And second time by title under suspension of rules.

Bill read third time by title under further suspension of the rules

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Holcomb, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Warman and Mr. Speaker—19.

No—Mr. Van Eaton—1.

Absent—Messrs. Freeman, O'Neil, Dillon, Clark—4.

Bill passed and title agreed to.

H. B. 19.—An act in relation to Notaries Public.

Read first time.

And second time by title under suspension of the rules.

On motion of Mr. Kuhn,

Section 13 was stricken out.

Read third time by title under further suspension of the rules.

And passed.

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Holcomb, Judson, Kincaid, Kuhn, O'Neil, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman, Preston and Mr. Speaker—21.

Noes—None.

Absent—Messrs. Freeman, Karr, Clark, Dillon—4.

On motion the House adjourned.

GEORGE COMEGYS,
Speaker of the House.

E. R. BURK,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Monday, Dec. 5, 1881.

House called to order by the Speaker.

At roll-call all members answered to their names but Messrs. Clark, Dillon and O'Neil absent on leave, and Alexander and Smith of King.

Prayer by the chaplain of the Council.

Miss Cornelia Newton presented her resignation as Enrolling clerk.

Resignation accepted.

On motion of Mr. Holcomb,

Miss Lizzie P. Ferry was proclaimed Enrolling and Engrossing Clerk for this session.

Journal of Saturday read and approved.

On leave Mr. Karr submitted the following:

Report of Joint committee on Education and Ways, Means and Claims.

MR. SPEAKER—

Your Joint committee on Education and Ways, Means and Claims to whom was referred

C. B. 1.—An act to provide a system of common schools.

Beg leave to report the same back with the following amendments,

And reccommend its passage.

In section 2, line 5, strike out "October" and insert "September."

In title 2 in section 11, strike out all in relation to Librarian.

In section 12, line 3, after "Territory" insert "whenever they can secure the exchange of the books now in use for new ones without cost or expense to the people."

In section 19, division 8, line 4, add after the word "same" "which shall be filed in the office of the county auditor."

In section 25, after the word "May" in line 6, add "and November."

After section 42 insert the following:

"Section 43.— * * * *

"Section 44.— * * * *

In section 45, strike out the last two words "one hour" and insert "two hours."

In section 46, line 2, strike out the words "an annual" and insert "a." Strike out "after" in line 3, and insert "at." Strike out "year" in line 4 and insert "term."

In section 52, after "States," in line 5, add "and such other studies as may be authorized by the directors of the district.

After section 75, insert section 76 of the law of 1881, as follows: * * * * *

Add to the end of section 25: "Provided * *

Respectfully submitted,

J. A. KARR,

Chairman.

The Report was adopted seriatim.

Bill read third time in part.

And went to vote as follows:

Ayes—Messrs. Allen, Cornwall, Freeman, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—16.

Noes—Messrs. Holcomb and Kuhn—2.

Absent—Messrs. Catlin, Smith of King, Alexander, Allen, Clark and Dillon—6.

Bill passed and title agreed to.

Mr. Smith of Whitman from the Joint committee on codification. Reported verbally that they had decided to retain the Clerks of the committee and that they would act as enrolling clerks when necessary.

Report adopted.

BILLS AND OTHER BUSINESS FROM THE COUNCIL.

C. B. 4.—An act relative to the vacation of town plats.

Read first time.

Read the second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—18.

Noes—None.

Absent—Messrs. Preston, Smith of King, Clark, Dillon, O'Neil and Alexander—6.

C. B. 3.—An act for the regulation of telegraphs and to secure secresy and fidelity in the transmission of messages.

Read first time

Read second time by title under suspension of the rules

And on motion referred to the Committee on Education.

C. B. 7.—An act to regulate interest on money.

Read first time.

Read second and third time by title, under suspension of rules.

The bill then went to vote as follows:

Ayes—Messrs. Allen, Catlin, Cornwall, Freeman, Karr, Kincaid, Kuhn, Raymond, Rees, Smith of Klickitat, Smith of Whithman, Steen, Taylor, Van Eaton, Warman and Speaker—16.

Noes—Messrs. Holcomb, Judson, Preston, Smith of King—4.

Bill passed and title agreed to.

PROPOSITIONS AND MOTIONS.

H. B. 20.—An act relating to Assessors.

Read first time in part.

Read second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—Messrs. Allen, Catlin, Cornwall, Freeman, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Speaker—17.

Noes—Mr. Kuhn—1.

Absent—Messrs. Holcomb, Smith of King, Clark, Dillon, O'Neil and Alexander—6.

Bill passed and title agreed to.

Mr. Rees in the chair.

H. B. 21.—An act concerning fences.

Read first time.

Read second time by title.

Read third time by title under suspension of the rules.

The bill then went to vote as follows:

Ayes—18.

Noes—None.

Absent—Messrs. Holcomb, Smith of King, Clark, Alexander, Dillon and O'Neil—6.

Bill passed and title agreed to.

H. B. 22.—An act relating to Judges of the District and Probate courts and Justices of the Peace practicing as attorneys at law.

Read first time.

Read second and third times by title under suspension of the rules.

And went to vote with the following result:

Ayes—16.

Noes—None.

Absent—8.

Bill passed and title agreed to.

H. B. 23.—An act for the encouragement of mining and manufacturing.

Read first time.

Read second time by title under suspension of the rules.

On motion of Mr. Kuhn,

The Preamble was stricken out.

When the bill was referred to the committee on Counties.

H. B. 24.—An act in relation to Quartz mining.

Read first time. And second time by title under suspension of the rules,

And on motion referred to the committee on Corporations.

H. B. 25.—An act in relation to quarts mining claims.

Read first time.

Read second time

And indefinitely ponstpone.

H. B. 26.—An act to regulate fees and costs.

Read first time and also second time by title under suspension of the rules.

And tabled.

H. B. 27.—An act in relation to taking up Drift saw-logs and other timber.

Read first time.

Read the second and third time by title under suspension of the rules.

Then went to vote as follows.

Ayes—Messrs. Allen, Catlin, Cornwall, Freeman, Holcomb, Judson, Karr, Preston, Raymond, Rees, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—17.

No—Kuhn—1.

Absent—Messrs. Alexander, Clark, Dillon, Kincaid, Smith of King and O'Neil—6.

H. B. 28.—An act to regulate Peddling boats.

The bill was read the third time

Read first time

Read second time by title

Read third time by title under suspension of the rules.

And went to vote with the following result:

Ayes—Messrs. Allen, Catlin, Cornwall, Freeman, Judson, Karr, Raymond, Rees, Smith of Klickitat, Steen, Warman and Mr. Speaker—17.

Noes—Messrs. Holcomb, Kincaid, Kuhn, Smith of Whitman, Van Eaton—5.

Absent—Messrs. Alexander, Clark, Dillon, O'Neil, Preston, Smith of King and Taylor—7.

Bill passed and title agreed to.

On motion the House adjourned until 2 P. M.

AFTERNOON SESSION.

House called to order by the Speaker.

All the members present at roll call but Messrs. Clark Dillon and O'Neil absent on leave, and Messrs. Freeman, Taylor and Smith of King.

Mr. Kuhn introduced,

H. B. 29.—An act to fix the time of meeting of the Legislative Assembly of Washington Territory.

Read first time

And indefinitly postponed

Ayes—9.

Noes—7.

Message from the Council.

COUNCIL CHAMBER,
Dec. 5, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council have concurred in House amendments to

C. B. 1.—An act to provide a system of common schools.

Except amendment to Sec. 52 upon which they ask a committee of Conference and announce as said committee on part of the Council Messrs. Sharpstein and Long.

R. G. O'BRIEN,
Chief Clerk.

The Speaker appointed Messrs. Cornwall, Karr and Smith of Whitman committee on the part of the House on the above bill.

The House took up

H. B. 26.—An act to regulate fees and Costs.

The bill was amended by adding Sec. 25: "Provided the Probate Judge of Garfield county shall receive no fees under this act and provided further that this act shall not interfere with the provisions of an act relating to the Probate Judge of Chehalis county, approved Dec. 1, 1881."

Mr. Judson moved to amend Sec. 1, line 8, by striking out $1.00 and inserting 50 cents in lieu thereof.

The Ayes and Noes being called for resulted as follows:

Ayes.—Messrs. Catlin, Freeman Holcomb, Judson, Karr, Preston, Taylor—7.

Noes—Messrs. Alexander, Allen, Cornwall, Kincaid, Kuhn, Smith of Klickitat, Smith of Whitman, Steen, Van Eaton, Warman and Mr. Speaker—11.

Absent—Messrs. Clark, Dillon, O'Neil, Raymond, Rees and Smith of King—6.

Motion lost.

Mr. Judson moved to amend line 32, same Sec. by striking out 50 cents and inserting 25 cents.

The Ayes and Noes being called for resulted as follows:

Ayes—Messrs. Catlin, Freeman, Holcomb, Judson, Karr, Preston, Steen, Taylor and Van Eaton—9.

Noes—Messrs. Alexander, Allen, Cornwall, Kincaid, Kuhn, Smith of Klickitat, Smith of Whitman, Warman and Mr. Speaker—9.

Absent—Messrs. Clark, Dillon and O'Neil absent on leave, and Raymond, Rees, Smith of King—6.

House refused to amend

The bill was read the third time.

And then went to vote as follows:

Ayes—15.

Noes—5.

Bill passed and title agreed to.

REPORTS OF STANDING COMMITTEES.

Report of committee on Enrolled bills

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred.

H. B. 9.—An act to authorize the construction of drains, ditches and water courses.

H. B. 3.—An act to fix the age of majority.

H. B. 5.—An act in relation to Clerks of the Supreme and District Courts, and prescribing certain duties for such Clerks.

H. B. 7.—An act in relation to recording of town plats.

H. B. 6.—An act in relation to County Treasurers.

H. B. 11.—An act to provide against dangerous and vicious cattle.

H. B. 12.—An act in relation to scows, skiffs, boats, canoes, and other water craft found adrift.

Have compared the same with the original and find them correctly enrolled

R. R. REES,
Chairman.

The Speaker gave notice that he was about to sign the above bills.

Message from the Council:

COUNCIL CHAMBER,
Dec. 5, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

H. B. 17.—An act to prevent fraudulent conveyances.

H. B. 19.—An act in relation to Notaries Public.

Also with amendment

H. B. 18.—An act in relation to Attorneys and counselors at law.

H. B. 10.—An act relative to coroners.

Returned for your concurrence.

Also

C. B. 5.—An act concerning marks and brands.

C. B. 8.—An act for the formation of corporations.

R. G. O'BRIEN,
Chief Clerk.

Report of committee on Ways, Means and Claims.

MR. SPEAKER:

Your committee on Ways, Means and Claims to whom was referred

H. B. 13.—An act relating to deeds.

Have had the same under consideration and report the same back and recommend that it do pass.

W. G. PRESTON,
Chairman.

Read third time by title under further suspension of the rules.

The bill then went to vote as follows:

Ayes—19.

Noes—None.

Absent—Kuhn and Smith of King—2.

Bill passed and title agreed to.

Report of committee on Corporations

MR. SPEAKER—

Your committee on Corporations to whom was referred

H. B. 24.—An act in relation to quartz mining claims.

Recommend it to be indefinitely postponed.

Bill read third time by title.

And went to vote with the following result:

Ayes—Messrs. Freeman, Raymond, Rees, Steen, Van Eaton and Warman—7.

Noes—Messrs. Alexander, Allen, Catlin, Judson, Kincaid, Smith of Klickitat and Mr. Speaker—7.

Absent—Messrs. Cornwall, Holcomb, Karr, Kuhn, Preston, Taylor—6.

The House refused to pass the bill.

Report of committee on Agriculture.

MR. SPEAKER—

Your committee on Agriculture to whom was referred

H. B. 14.—An act in relation to the improvement of tide lands.

Have considered and after carefully considering it find that in their judgment it does not conflict with the diking laws passed at the regular session of the eighth biennial session of the Territory of Washington.

And recommend its passage.

A. VAN EATON,
Chairman.

Bill read third time by title.

And went to vote as follows:

Ayes—14.

Noes—None.

Absent—Messrs. Cornwall, Holcomb, Karr, Preston, Smith of King, Smith of Whitman and Taylor—7.

Bill passed and title agreed to.

Report of Committee on Judiciary,

MR. SPEAKER—

Your committee on Judiciary to whom was referred

H. B. 15.—An act in relation to grand and petit jurors.

Have had the same under consideration and report the same back and recommend, it be amended by adding "active firemen," and that it do pass

J. A. KUHN,
Chairman.

On motion the report was adopted.

Read second and third time by title under suspension of the rules.

Then went to vote as follows:

Ayes—14.

No—Mr. Holcomb—1.

Absent—Messrs. Cornwall, Karr, Kincaid, Preston, Smith of King and Taylor—6.

Bill passed and title agreed to.

Report of committee of Conference

MR. SPEAKER:

Your committee of Conference to whom was referred

Disagreement between the two branches of the Legislative Assembly on

C. B. 1.—An act to provide a system of common schools.

Have had the same under consideration and report the same back with the recommendation that the House recede from its amendment.

T. J. SMITH,
J. M. CORNWALL,
Committee of House.
B. L. SHARPSTEIN,
J. H. LONG,
Committee of Council.

On motion the House adopted the report thereby receding from its amendment.

BILLS, REPORTS AND OTHER BUSINESS FROM THE COUNCIL.

H. B. 10.—An act in relation to Coroners.

And

H. B. 18.—An act in relation to Attorneys and Counselors at Law.

Returned amended

On motion the House took up the bills and concurred in the amendment separately.

C. B. 5.—An act concerning marks and brands.

Read first time

Read second time by title under suspension of the rules.

The bill was then amended by striking out Sec. 6.

Read third time under further suspension of the rules and went to vote with the following result:

Ayes—18.

No—Mr. Catlin—1.

Absent—Messrs. Kincaid, Smith of King—2.

Bill passed and title agreed to.

C. B. 8.—An act to provide for the formation of corporations.

Read first time

Read second time by title under suspension of the rules

And on motion referred to the committee on Corporations.

On motion the House adjourned.

GEORGE COMEGYS,
Speaker of the House.

E. R. BURK,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Tuesday, Dec. 6, 1881.

House called to order by the Speaker.

All the members were present at roll call but Messrs. Allen and Clark, and Dillon and O'Neil absent on leave.

Prayer by Rev. Mr. Le Sourd.

Journal of yesterday read and approved.

Mr. Judson introduced,

H. B. 30.—An act to amend an act entitled an act in relation to roads, bridges, ferries and travel on public highways.

Read first time.

Read the second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Freeman, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton and Mr. Speaker—17.

Noes—Messrs. Kuhn and Warman—2.

Absent—Messrs. Allen, Clark and Dillon on leave, Holcomb and O'Neil on leave.

Bill passed and title agreed to.

Mr. Smith of Whitman introduced,

H. B. 31.—An act for the relief of certain clerks of the present extra session of the Legislative Assembly.

Read first time.

Read second and third time by title, under suspension of rules.

The bill was amended by striking therefrom the name of Luella McMillan.

And went to vote with the following result:

Ayes—Messrs. Alexander, Cornwall, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—17.

Absent—Messrs. Allen, Clark, Catlin, Dillon, Freeman, Holcomb and O'Neil—7.

Bill passed and title agreed to.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 5, 1881.

To the House of Representatives:

I have this day signed the following:

H. B. 1.—An act to dispose of certain persons held in custody.

H. B. 2.—An act in relation to Landlord and Tenant.

I am respectfully,

WM. A. NEWELL.
Governor.

Report of the committee on Enrolled bills.

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 17.—An act to prevent fraudulent conveyances.

H. B. 10.—An act relative coroners.

H. B. 19.—An act relative to Notaries Public.

H. B. 4.—An act relative to unclaimed property, or lost money or goods.

Have compared the same and find them correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice of signing the same.

Report of committee on Counties

MR. SPEAKER—

Your committee on Counties to whom was referred.

H. B. 23.—An act for the encouragement and support of mining and manufacturing.

Have had the same under consideration and report the same back and recommend that it do pass.

T. J. SMITH,
Chairman.

Read third time.

On motion the bill was laid on the table.

Report of committee on Education

MR. SPEAKER—

Your committee onEducation to whom was referred

C. B. 3.—An act for the regulation of Telegraphs and to secure secrecy and fidelity in the transmission of telegraphic messages.

Have had the same under consideration and report the same back with recommendation that it do pass.

J. A. KARR,
Chairman.

The bill was read third time

And went to vote with the following result:

Ayes—Messrs. Alexander, Catlin, Cornwall, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—16.

Absent—Messrs. Allen, Clark, Dillon, Freeman, Holcomb, Judson, O'Neil, Smith of Klickitat—8.

Bill passed and title agreed to.

C. B. 8.—An act for the formation of Corporations.

Bill read third time

And went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Freeman, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton and Mr. Speaker—17.

No—Mr. Holcomb—1.

Absent—Messrs. Allen, Clark, Dillon, Judson, O'Neil on leave, Warman—6.

Bill passed and title agreed to.

House took from the table

H. B. 23.—An act for the encouragement and support of mining and manufacturing.

On motion bill was indefinitely postponed.

Message from the Council:

COUNCIL CHAMBER,
Dec. 5, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C. J. R. 1.—To provide for the publication and distribution of certain laws in pamphlet form.

C. B. 10.—An act in relation to Territorial Auditor.

C. B. 11.—An act to provide for the inspection and measurement of logs and the formation of lumber districts.

C. B. 12.—An act to establish the amount and provide for the payment of costs in certain cases.

C. B. 13.—An act for the recovery of damages for injuries caused by intoxicating liquors.

C. B. 15.—An act concerning liens of commission merchants, carriers, wharfingers and warehousemen.

Herewith transmitted for your action

And with amendment.

H. B. 16.—An act in relation to librarian.

Returned herewith asking concurrence. Also

H. B. 27.—An act relating to taking up drift saw-logs and other timber.

And that the Council has passed

H. B. 13.—An act relating to deeds.

H. B. 14.—An act in relation to the improvement of tide lands.

H. B. 15.—An act in relation to grand and petit jurors.

Herewith returned.

And has refused to pass.

H. B. 28.—An act to regulate peddling boats.

And that the President has signed the following bills.

H. B. 3.—An act to fix the age of majority.

H. B. 5.—An act in relation to Clerks of the Supreme and District Courts, and prescribing certain duties for such Clerks.

H. B. 6.—An act in relation to County Treasurer.

H. B. 7.—An act in relation to recording of town plats.

H. B. 9.—An act to authorize the construction of drains, ditches and water courses.

H. B. 11.—An act to provide against dangerous and vicious cattle.

H. B. 12.—An act in relation to scows, skiffs, boats, canoes, and other water craft found adrift.

Herewith returned.

R. G. O'BRIEN,
Chief Clerk.

BILLS AND OTHER BUSINESS FROM THE COUNCIL.

H. B. 16.—An act in relation to Librarian.

Returned from the Council amended.

On motion the House refused to concurr

Ayes—9.

Noes—11.

On motion of Mr. Kuhn,

The Clerk was instructed to inform the Council and request a committee of Conference.

The Speaker appointed Messrs. Kuhn and Rees on the part of the House, without instructions.

A motion to instruct the committee was voted down.

Ayes—8.

Noes—10.

H. B. 27.—An act in relation to taking up Drift saw-logs and other timber.

Returned with amendment

On motion the House concurred

C. B. 10.—An act in relation to Territorial Auditor.

Read first time. And second time by title under suspension of the rules,

On motion was referred to the committee on Judiciary

C. J. R. 1.—To provide for the publication and distribution of certain laws in pamphlet form.

Read first time and also second time by title under suspension of the rules.

Referred to committee on Ways, Means and Claims.

C. B. 15.—An act concerning liens of commission merchants, carriers, wharfingers and warehousemen.

The bill read the first time.

Read second and third time by title under suspension of the rules

And went to vote with the following result:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Judson, Karr, Kincaid, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—17.

No—Mr. Freeman—1.

Absent—Messrs. Clark, Dillon, Holcomb, Kuhn, O'Neil on leave, Preston—6.

Bill passed and title agreed to.

Message from the Council:

COUNCIL CHAMBER,
Dec. 6, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 4.—An act relative to the vacation of town plats.

C. B. 7.—An act to regulate interest on money.

Herewith transmitted for your signature

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice he was about to sign the above bills.

C. B. 12.—An act to establish the amount and to provide for the payment of costs in certain cases.

Read first time.

Read second time by title under suspension of the rules.

On motion referred to the committee on Judiciary

C. B. 11.—An act to provide for the inspection and measurement of logs and the formation of lumber districts.

Read first time.

Read second time by title under suspension of the rules.

And on motion the bill was referred to the committee on Commerce and Fisheries.

C. B. 13.—An act for the recovery of damages for injuries caused by intoxicating liquors.

Read first time.

Read second time by title under suspension of the rules.

And on motion referred to the committee on Commerce and Fisheries.

On motion of Mr. Rees,

Mr. Raymond was granted power to employ assistant enrolling clerks.

H. B. 32.—An act prescribing Prison Regulations.

Read first time.

Read second and third time by title, under suspension of rules.

Section 7 was amended by striking out all after the word "thereof" in line 8.

Read third time by title under further suspension of the rules

And went to vote with the following result:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Van Eaton and Mr. Speaker—16.

Noes—Messrs. Kuhn and Warman—2.

Absent—Messrs. Clark and Dillon on leave, Holcomb Judson, O'Neil on leave, and Taylor—6.

Bill passed and title agreed to.

On motion the House adjourned until 2 P. M.

AFTERNOON SESSION.

House called to order by the Speaker.

At roll call all members answered to their names but Messrs. Clark, Dillon, Freeman and O'Neil absent on leave.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 5, 1881.

To the House of Representatives:

GENTLEMEN:—In so grave a matter as the revision and codification of the laws every prominent circumstance connected therewith will properly claim your attention.

Since I had the honor to address you by regular message at the opening of this extra session, I have received the following communication having convened you by virtue of a telegram from the Secretary of the Interior:

DEPARTMENT OF THE INTERIOR,
WASHINGTON, D. C.,
Nov. 19, 1881.

To the Hon. Wm. A. Newell, Governor of Washington Territory:

SIR:—Referring to your letter of the 27th ultimo, in which you stated that the Territorial Legislature would probably be

unable to attend to current legislation, and to complete the revision of the laws within the sixty days to which the regular session is limited, and desired authortity, should they be unable to complete the revision, to convene an extra session. I have to state that the matter was submitted to the President, as required by act approved June 22d, 1874, with the recommendation that the desired authority be given to you, I have to say that the President has approved my recommendation. You are therefore authorized in case the revision of the laws should not be completed within the regular session to convene an extra session for ten or twenty days for the purpose of completing it.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

The law to which reference is made reads:

"Hereafter no extra session of the Legislature of any Territory wherever the same is now authorized by law shall be called until the reasons for the same have been presented to the President of the United States and his approval therefor has been duly given."

I submit also to your Honorable bodies a litter kindly addressed to me, without solicitation, by the Honorable Roger S. Greene, Chief Justice of this Territory.

SEATTLE, WASHINGTON TERRITON,
Nov. 30, 1881.

"MY DEAR SIR:—As some question has seriously occupied the attention of the members of the Bar, here, as to whether in view of the last clause of Sec. 1886 of the Revised Statutes the extra session you call will be able to pass any binding laws, and, it has occurred to me that possibly some doubt or perplexity may arise in your own mind by reason of the mooting of this question. I take the liberty of assuring you, so far as any word of mine may be able to assure you, that there is no occasion to doubt your authority to call the extra session, or the plenary power of the Legislature to make laws when met.

"The act of 1842, or rather its second section, is continued in force by the Revised Statutes; so is that clause of our Organic Act which empowers you to call extra sessions. But the former act is partly incompatible with the latter, as the latter is later in time (1853), than the former (1842), the latter controls and qualifies the former and this qualification is imparted into the Revised Statutes just as it existed at the date of the revision by the fact of the mere re-enactment of two pre-existing acts."

I am respectfully,

WM. A. NEWELL,
Governor.

Message from the Council.

COUNCIL CHAMBER,
Dec. 6, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

H. B. 4.—An act relative to unclaimed property, or lost money or goods.

H. B. 17.—An act to prevent fraudulent conveyances.

H. B. 19.—An act in relation to Notaries Public.

H. B. 10.—An act relative to coroners.

Herewith returned.

And has passed with amendments

H. B. 30.—An act to amend an act entitled an act in relation to roads, bridges, ferries and travel on public highways, approved Dec. 1, 1881.

H. B. 31.—An act for the relief of certain clerks of the present extra session of the Legislative Assembly.

Herewith transmitted for your concurrence

And passed.

C. B. 14.—An act to regulate the government for the Hospital for the Insane.

Transmitted for your action.

R. G. O'BRIEN,
Chief Clerk.

Message from the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 6, 1881.

To House of Representatives:

I have this day signed the following:

H. B. 7.—An act in relation to the Recording of Town Plats.

H. B. 6.—An act in relation to County Treasurers.

H. B. 12.—An act in relation to scows, skiffs, boats, canoes, and other water crafts found adrift.

H. B. 3.—An act to fix the Age of Majority.

H. B. 5.—An act in regard to Clerks of the Supreme and District Courts, and prescribing certain duties for such clerks.

H. B. 11.—An act to provide against dangerous and vicious cattle.

H. B. 19.—An act to authorize the construction of drains, ditches, and water courses.

WM. A. NEWELL.
Governor.

Report of committee of Conference

MR. SPEAKER:

Your Joint committee of Conference to whom was referred

H. B. 16.—An act in relation to Territorial Librarian.

Respectfully report that the committee have failed to agree and ask that another committee be appointed.

J. H. LONG,
S. W. HOVEY,
Committee of Council.
J. A. KUHN,
R. R. REES,
Committee of House.

On motion

The report was adopted.

On motion of Mr. Smith of Whitman,

Messrs. Van Eaton and Smith of King were appointed as the new committee of Conference.

On motion the committee were instructed to act according to their own judgment when in committee,

By a vote of

Ayes—13.

Noes—6.

The Clerk was instructed to inform the Council of the action of the House.

H. B. 30.—An act to amend an act entitled an act in relation to roads, ferries, bridges and travel on public highways, approved Dec. 1, 1881.

The Council returned with amendment.

On motion the House concurred.

C. B. 14.—An act to regulate the government of the Hospital for the Insane.

Read the first time.

Read the second time by title under suspension of the rules.

And on motion was referred to committee on Hospital for the Insane.

Report of Committee on Judiciary,

MR. SPEAKER—

Your committee on Judiciary to whom was referred

C. B. 10.—An act in relation to Territorial Auditor.

Have had the same under consideration and report the same back and recommend

To strike out of section 6, paragraph 7, the words "and for each previous year." In section 8, strike out "and he shall take from such person or persons."

And when so amended that the same do pass.

J. A. KUHN,
Chairman.

On motion the report was adopted.

Mr. Kincaid moved to amend the bill by increasing the amount allowed for incidental expenses from $200 to $600.

Amendment lost.

Ayes—6.

Noes—14.

The bill was read third time

And went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Freeman, Judson, Karr. Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Steen, Taylor, Van Eaton, Warman and Mr. Speaker—19.

Absent—Messrs. Allen, Clark, Dillon, Holcomb and O'Neil on leave—5.

Bill passed and title agreed to.

Message from the Council.

COUNCIL CHAMBER,
Dec. 6, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed with amendments

H. B. 20.—An act relating to Assessors.

H. B. 21.—An act concerning fences.

H. B. 22.—An act relating to Judges of the District and Probate courts and Justices of the Peace practicing as attorneys at law.

H. B. 26.—An act to regulate fees and Costs.

H. B. 32.—An act prescribing Prison Regulations.

Herewith returned asking concurrence.

And have concurred in House amendments to

C. B. 10.—An act relating to Territorial Auditor.

And that the President has signed

C. B. 3.—An act for the regulation of telegraphs and to secure secresy and fidelity in the transmission of messages.

C. B. 5.—An act concerning marks and brands.

Herewith transmitted for your signature.

Also

The Council has passed

C. B. 19.—An act in relation to insolvent debtors.

Herewith transmitted for your action.

R. G. O'BRIEN,
Chief Clerk.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT
Olympia, Dec. 6, 1881.

To the House of Representatives.

I have this day signed the following:

H. B. 17.—An act to prevent fraudulent conveyances.

H. B. 10.—An act relative coroners.

H. B. 19.—An act relative to Notaries Public.

H. B. 4.—An act relative to unclaimed property and lost money or goods.

Very respectfully,

WM. A. NEWELL.
Governor.

Report of committee on Ways, Means and Claims.

MR. SPEAKER:

Your committee on Ways, Means and Claims to whom was referred

C. J. R. 1.—To provide for the publication and distribution of certain laws in pamphlet form.

Have had the same under consideration and report the same back with a substitute which we recommend do pass.

W. G. PRESTON,
Chairman.

On motion the substitute was adopted.

Ayes—11.

Noes—10.

H. B. 33.—Substitute for

C. J. R. 1.—To provide for the publication and distribution of certain laws in pamphlet form.

Was read first time.

And second time by title under suspension of rules.

The bill was amended

By increasing the number of election laws to be printed from 500 to 1,000.

Bill read third time by title under further suspension of the rules

And went to vote with the following result:

Ayes—Messrs. Alexander, Allen, Cornwall, Freeman, Judson, Karr, Kuhn, Preston, Smith of Klickitat, Steen, Taylor, Mr. Speaker—12.

Noes—Messrs. Catlin, Holcomb, Kincaid, Raymond, Rees, Smith of King, Smith of Whitman, Van Eaton and Warman—9.

Absent—Messrs. Clark, Dillon and O'Neil and those absent on leave—3.

Bill passed and title agreed to.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 1, 1881.

To the House of Representatives:

I have this day signed the following:

H. B. 177.—An act relating to the seal of the Territory.

I am respectfully,

WM. A. NEWELL.
Governor.

Mr. Taylor was granted indefinite leave of absence.

Recess.

House called to order.

The following were returned from the Council amended

H. B. 32.—An act prescribing Prison Regulations.

House refused to concur in the amendment striking out Sec. 12.

Ayes—5.

Noes—14.

Mr. Smith of Whitman moved,

To indefinitely ponstpone the bill.

The Ayes and Noes being called for and went to vote with the following result:

Ayes—Messrs. Alexander, Catlin, Freeman, Judson, Karr, Preston, Rees, Smith of Klickitat, Smith of Whitman and Mr. Speaker—10.

Noes—Messrs. Allen, Kincaid, Kuhn, Raymond, Smith of King, Steen, Van Eaton—7.

Absent—Messrs. Clark, Cornwall, Dillon, Holcomb, O'Neil on leave, Taylor and Warman—7.

The bill was indefinitely postponed.

H. B. 26.—An act to regulate Fees and Costs.

House concurred in all the amendments but those to sections 2, 6 and 17.

On motion of Mr. Kuhn,

Section 3, line 63, was amended by striking out the word "or," and inserting in lieu thereof the word "and."

Mr. Kuhn moved that a committee of Conference be appointed and the Council informed of the action of the House.

Motion carried.

Mr. Cornwall and Smith of King were appointed as such committee on the part of the House.

H. B. 22.—An act relating to Judges of the District and Probate courts and Justices of the Peace practicing as attorneys at law.

H. B. 21.—An act concerning fences.

H. B. 20.—An act relating to Assessors.

House concurred in the amendment to the above bills.

C. B. 19.—An act in relation to insolvent debtors.

Read first time by title.

Read second time by title under suspension of the rules.

And on motion

Referred to the committee on Ways, Means and Claims

On motion the House adjourned.

GEORGE COMEGYS,
Speaker of the House.

E. R. BURK,
Chief Clerk.

HOUSE OF REPRESENTATIVES,
Wednesday, Dec. 7, 1881.

House called to order by the Speaker.

At roll call all members answered to their names except those absent on leave.

Prayer by the chaplain.

Journal of yesterday read and approved.

Report of the committee on Enrolled bills.

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 14.—An act in relation to the improvement of tide lands.

H. B. 18.—An act in relation to Attorneys and counselors at law.

H. B. 27.—An act relating to taking up drift saw-logs and other timber.

H. B. 15.—An act in relation to grand and petit jurors.

H. B. 13.—An act relating to deeds.

Have compared the same with the original billand find them correctly enrolled.

R. R. REES,
Chairman.

Speaker gave notice that he was about to sign the above bills

Report of committee on Ways, Means and Claims

MR. SPEAKER—

Your committee on Ways, Means and Claims to whom was referred

C. B. 19.—An act relative to insolvent debtors.

Have had the same under consideration and report the same back with the recommendation that it do pass.

W. G. PRESTON,
Chairman.

Read third time by title under further suspension of the rules

And went to vote with the following result:

Ayes—Messrs. Catlin, Cornwall, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Steen, Warman—11.

Noes—Messrs. Alexander, Freeman, Holcomb, Judson, Karr, Smith of Whitman and Mr. Speaker—7.

Absent—Messrs. Allen, Van Eaton and those absent on leave.

Bill passed and title agreed to.

Report of Committee on Judiciary,

MR. SPEAKER—

Your committee on Judiciary to whom was referred

C. B. 12.—An act to establish the amount and to provide for the payment of costs in certain cases.

Have had the same under consideration and report the same back and recommend that it do pass.

J. A. KUHN,
Chairman.

Bill read third time by title.

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Karr, Kincaid, Kuhn, Preston, Raymond, Smith of King, Smith of Klickitat, Warman and Speaker—13.

Noes—Messrs. Freeman and Smith of Whithman—2.

Absent—Messrs. Holcomb, Judson, Rees, Steen, Van Eaton and those on leave.

Bill passed and title agreed to.

Report of committee on Commerce and Fisheries

MR. SPEAKER—

Your committee on Commerce and Fisheries to whom was referred

C. B. 11.—An act to provide for the inspection and measurement of logs and the formation of lumber districts.

Have had the same under consideration and report the same back with amendments, that Pacific county be included in the provisions of said act, and so amended

Recommend that it do pass.

THOMAS WARMAN,
Chairman.

On motion the report was adopted.

The bill was read third time by title.

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Cornwall, Holcomb, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—16.

Noes—Messrs. Catlin and Freeman—2.

Absent—Messrs. Smith of Klickitat, Steen, and those on leave.

Bill passed and title agreed to.

Mr. Alexander introduced the following resolution:

H. J. R. 4.—Relative to mileage of members at the Extra Session.

Read first time.

Read second time by title under suspension of the rules.

A motion to indefinitely postpone was lost.

Read third time by title under further suspension of the rules.

And went to vote with the following result:

Ayes—Messrs. Alexander, Allen, Cornwall, Holcomb, Karr, Kincaid, Kuhn, Preston, Smith of Klickitat, Warman and Mr. Speaker—11.

Noes—Messrs. Catlin, Freeman, Judson, Raymond, Rees, Smith of King, Smith of Whitman and Van Eaton—8.

Absent—Mr. Steen, and those absent on leave.

The resolution passed.

The clerk was instructed to report all business to the Council

Report of committee of Conference

MR. SPEAKER;

Your Joint committee of Conference to whom was referred

H. B. 16.—An act in relation to Territorial Librarian.

Have had the same under consideration and report the same back and beg leave to report that they have agreed to request the House to concur in Council amendment.

Ayes and noes being called for on adoption of the report resulted as follows:

Ayes—Messrs. Allen, Cornwall, Holcomb, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—13.

Noes—Messrs. Alexander, Catlin, Freeman, Judson, Karr, Kincaid—6.

Absent—Messrs. Steen, Taylor, and those absent on leave.

The report was then adopted.

Message from the Council:

COUNCIL CHAMBER,
Dec. 6, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C. B. 20.—An act relating to prosecuting attorneys of the First Judicial District.

C. B. 21.—An act providing for the proper confinement of Territorial convicts.

C. B. 22.—An act in relation to Prosecuting Attorneys in the Third Judicial District.

C. B. 16.—An act relating to courts.

C. B. 17.—An act to regulate marriages.

C. B. 9.—An act defining the boundary lines of the various counties in Washington Territory.

Herewith transmitted for your action

R. G. O'BRIEN,
Chief Clerk.

Report of committee on Commerce and Fisheries

MR. SPEAKER—

Your committee on Commerce and Fisheries to whom was referred

C. B. 13.—An act for the recovery of damages for injuries caused by the sale of intoxicating liquors.

Have had the same under consideration and report the same back without recommendation

THOMAS WARMAN,
Chairman.

A motion to indefinitely postpone the bill was lost.

Ayes—5.

Noes—12.

The bill was amended by adding "after the last word in the title the following:

And providing how licenses shall be granted."

The bill was read third time

And went to vote with the following result:

Ayes—Messrs. Allen, Cornwall, Holcomb, Judson, Karr, Kincaid, Preston, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—13.

Noes—Messrs. Alexander, Catlin, Freeman and Kuhn—4.

Absent—Messrs. Raymond, Rees, Steen, and those absent on leave.

Bill passed and title agreed to.

Mr. Kuhn introduced,

H. B. 34.—An act for the relief of the clerks of the Code committee.

Read first time.

Read the second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Van Eaton, Warman and Mr. Speaker—17.

Absent—Messrs. Holcomb, Smith of Whitman, Steen, and those on leave.

Bill passed and title agreed to.

Mr. Kuhn introduced,

H. B. 35.—An act to provide for the payment of certain statutes used by the code committee, and for the payment of the rent of the committee rooms.

Read first time.

Read second and third time by title under suspension of the rules

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Freeman, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—17.

Absent—Messrs. Cornwall, Holcomb, Steen, and the members absent on leave.

Bill passed and title agreed to.

C. B. 9.—An act defining the boundary lines of the various counties in Washington Territory.

Read third time by title.

The bill was amended as follows:

By adding after the description of the boundary lines of Klickitat county:

Provided, That this act shall not affect an act entitled "An act to change the county lines between the counties of Skamania and Klickitat," approved Dec. 1, 1881.

And by adding an enforcing clause

This act shall take effect and be in force from and after its passage and approval.

And went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Karr, Kincaid, Preston, Raymond, Smith of King, Smith of Klickitat, Van Eaton, Warman and Mr. Speaker—14.

No—Mr. Holcomb—1.

Absent—Messrs. Judson, Kuhn, Rees, Smith of Whitman, Steen, and those on leave.

Bill passed and title agreed to.

C. B. 22.—An act in relation to Prosecuting Attorney in the Third Judicial District.

Read first time.

Read the second time by title under suspension of the rules.

Section 13 was amended by striking out all after Attorney in line 8.

Read third time by title under further suspension of the rules.

The bill then went to vote as follows:

Ayes.—Messrs. Alexander, Allen, Catlin, Karr, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton and Warman—13.

Noes—Messrs. Holcomb, Judson, Kincaid and Mr. Speaker—4.

Absent—Messrs. Cornwall, Freeman, Steen, and those absent on leave.

Bill passed and title agreed to.

C. B. 21.—An act providing for the proper confinement of Territorial convicts.

Read first time.

Read second time by title under suspension of the rules

And referred to the committee on Ways, Means and Claims

C. B. 20.—An act in relation to Prosecuting Attorney of the First Judicial District.

Read first time.

The bill was then read the second time by title under suspension of the rules,

And referred to the Speaker.

Recess.

House called to order.

The bill was again taken up.

Sec. 18 was amended by striking out all after "provided" in line 7 and all after of line 8.

The bill read the third time by title.

The bill then went to vote as follows:

Ayes—Messrs. Allen, Catlin, Cornwall, Freeman, Judson, Karr, Kincaid, Kuhn, Raymond, Rees, Smith of King, Smith of Klickitat, Van Eaton and Warman—14.

Noes—Messrs. Holcomb, Smith of Whitman Mr. Speaker—3.

Absent—Messrs. Alexander, Preston, Steen, and those on leave.

Bill passed and title agreed to.

Report of committee on Enrolled bills

MR. SPEAKER—

Your Committee on Enrolled bills to whom was referred

H. B. 31.—An act for the relief of certain clerks of the present extra session of the Legislative Assembly.

H. B. 21.—An act concerning fences.

H. B. 22.—An act relating to judges of the district and probate courts and justices of the peace practicing as attorneys at law.

Have compared the same and find them correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice he was about to sign the above bills.

On motion the House adjourned till 2 P. M.

AFTERNOON SESSION.

House called to order by the Speaker.

All the members present at roll call but Messrs. Catlin, Clark, Dillon, Karr, Kuhn, O'Neil and Taylor absent on leave.

On motion the Clerk was instructed to request the return of

C. B. 20.—An act in relation to Prosecuting Attorney in the Third Judicial District.

The Committee of Conference on

H. B. 26.—An act to regulate fees and costs.

Presented their report which was adopted.

Committee on Ways, Means and Claims

MR. SPEAKER—

Your committee on Ways, Means and Claims to whom was referred

C. B. 21.—An act providing for the Confinement of Territorial Convicts.

Have had the same under consideration and report the same back and recommend that it be indefinitely postponed.

W. G. PRESTON,
Chairman.

On motion the report was adopted.

C. B. 16.—An act relating to courts.

Read first time.

Read second and third times by title under suspension of the rules.

And went to vote with the following result:

Ayes.—Messrs. Alexander, Allen, Catlin, Judson, Karr, Kincaid, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—13.

Noes—Messrs. Freeman and Steen—2.

Absent—Messrs. Holcomb, Kuhn, Preston, Raymond, Rees, and members absent on leave.

Bill passed and title agreed to.

C. B. 17.—An act to regulate marriages.

Read first time by title.

Read second time by title under suspension of the rules.

On motion

Was indefinitely postponed

Mr. Rees in the chair.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

H. B. 18.—An act in relation to Attorneys and Counselors at Law.

H. B. 15.—An act in relation to grand and petit jurors.

H. B. 14.—An act in relation to the improvement of tide lands.

H. B. 21.—An act concerning fences.

H. B. 22.—An act relating to judges of the district and probate courts and justices of the peace practicing as attorneys at law.

H. B. 13.—An act relating to deeds.

H. B. 27.—An act relating to taking up drift saw logs and other timber.

H. B. 31.—An act for the relief of certain clerks of the present extra session of the Legislative Assembly.

Herewith returned.

Also

C. B. 15.—An act concerning liens of commission merchants, carriers, wharfingers and warehousemen.

C. B. 10.—An act in relation to Territorial Auditor.

Transmitted for your signature.

And that the Council has passed

C. B. 23.—Substitute for

H. B. 33.—An act to provide for printing and distributing certain laws in pamphlet form.

C. B. 24.—An act in relation to the distribution and sale of the Code.

Herewith transmitted for your concurrence

Also

H. B. 34.—An act for the relief of the clerks of the Code committee.

H. B. 35.—An act to provide for the payment of certain statutes used by the code committee, and for the payment of the rent of the committee rooms.

Herewith returned.

C. M. 10.—Praying an appropriation to reimbuse the Territory of Washington for certain expenses incurred in the Indian war of 1877-78.

I am instructed to say that

Herewith transmitted for your action.

C. B. 22.—An act relating to Prosecuting Attorney for the Third Judicial District.

Has been referred to the committee on Enrolled bills, and is now in process of enrollment.

R. G. O'BRIEN,
Chief Clerk.

Report of committee on the Hospital for the Insane

MR. SPEAKER—

Your committee on Hospital for the Insane to whom was referred

H. B. 14.—An act to regulate the Hospital for the Insane.

Have had the same under consideration and report the same back with the recommendation by a majority of the Committee that the House take such action as it sees fit.

L. P. SMITH,
Chairman.

The bill was read the third time.

Mr. Judson moved to amend section 20 by striking out the words "Steward to act as."

Amendment adopted.

Mr. Judson moved to increase the number of trustees from 3 to 5. Lost

Mr. Judson moved amend section 2 by adding: "And may elect as secretary one of their number, or if they prefer they may appoint any person not a member of the board as secretary. The Secretary shall receive an annual salary of $100.

Amendment adopted.

Mr. Judson moved to further amend by adding section 23.

Adopted.

Ayes—10.

Noes—7.

Mr. Judson moved to amend section 12, after the word "institution," by adding "or any tax payer of the territory."

Adopted.

Mr. Judson moved to amend by striking out $500 and inserting $1,300.

Adopted.

Ayes—12.

Noes—6.

Mr. Judson moved to strike out $2,000 for improvements.

Lost.

The Clerk was instructed to insert an enforcing clause.

Then went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—15.

Noes—Messrs. Freeman, Judson, Kuhn—3.

Absent—Messrs. Holcomb, Steen, and members absent on leave.

Bill passed and title agreed to.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C. B. 25.—An act relation to the codification of the and laws and declaring what act shall constitute the Code.

Transmitted for your action.

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice of signing

C. B. 10.—An act in relation to Territorial Auditor.

C. B. 15.—An act concerning liens of commission merchants, carriers, wharfingers and warehousemen.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 7, 1881.

To the House of Representatives:

I have this day signed the following:

H. B. 27.—An act in relation to taking up Drift saw-logs and other timber.

H. B. 31.—An act for the relief of certion clerks of the extra session of the Legislative Assembly.

H. B. 13.—An act relating to deeds.

H. B. 21.—An act concerning fences.

H. B. 15.—An act in relation to grand and petit jurors.

H. B. 18.—An act in relation to Attorneys and counselors at law.

H. B. 22.—An act relating to Judges of the District and Probate courts and Justices of the Peace practicing as attorneys at law.

H. B. 14.—An act relating to the improvement of tide land.

I am respectfully,

WM. A. NEWELL.
Governor.

C. B. 25.An act relating to the codification of the laws and declaring what acts shall constitute the Code.

Read first time.

Read second and third time by title under suspension of the rules.

Bill was amended by adding the words "and the" before "present" in Sec. 1.

And went to vote with the following result:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Judson, Karr, Kincaid, Kuhn, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman and Mr. Speaker—18.

Absent—Messrs. Holcomb, Steen, and those absent on leave.

Bill passed and title agreed to.

The clerk was instructed to report bills passed to the Council now.

Message from the Council.

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C. B. 26.—An act to provide for completing the journals of the extra session of the Legislative Assembly.

Herewith transmitted for your action.

R. G. O'BRIEN,
Chief Clerk.

Mr. Raymond introduced

H. B. 36.—An act to appropriate money to pay for indexing the session laws of the eighth biennial session.

Read first time.

And read second and third time by title under suspension of the rules.

The bill then went to vote as follows:

Ayes—Alexander, Allen, Catlin, Cornwell, Freeman, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman—16.

Absent—Holcomb, Kuhn, Steen, Speaker, and members absent on leave.

Bill passed, title agreed to.

Report of committee on Enrolled bills

MR. SPEAKER—

Your Committee on Enrolled bills to whom was referred

H. B. 20.—An act relating to Assessors.

H. B. 30.—An act to amend an act entitled an act in relation to roads, bridges, ferries and travel on public highways, approved Dec. 1, 1881.

H. B. 34.—An act for the relief of the clerks of the Code committee.

H. B. 35.—An act to provide for the payment of certain statutes used for the Code committee, and for the rent of committee rooms.

Have compared the same and find them correctly enrolled.

R. R. REES,
Chairman.

Speaker gave notice that he was about to sign the above bills.

C. B. 23.—Substitute for

H. B. 33.—To provide for the printing and distribution certain laws in pamphlet form.

Read first time.

Read second time by title under suspension of the rules.

On motion was referred to the committee on Judiciary

C. B. 26.—An act to provide for the completion of the journals of the extra session of the Legislative Assembly.

Read first time.

Read second time by title, under suspension of the rules.

On motion

Referred to committee on Ways, Means and Claims.

C. B. 24.—An act in relation to the distribution and sale of the Code.

Read first time,

Read second time by title under suspension of the rules.

And on motion was referred to the committee on Ways, Means and Claims.

C. M. 10.—Praying an appropriatioon to reimburse the Territory of Washington for certain expenses incurred in the Indian war of 1877-78.

Read first time.

Read second and third time by title under suspension of the rules.

The memorial then went to vote as follows:

Ayes—Messrs. Alexander, Catlin, Cornwall, Freeman, Judson, Kuhn, Preston, Rees, Smith of King, Smith of Klickitat, Van Eaton, Warman and Mr. Speaker—13.

The other members were absent.

The memorial passed.

Recess.

House called to order by the Speaker.

Report of committee on Judiciary

MR. SPEAKER—

Your committee on Judiciary to whom was referred

C. B. 23.—An act to provide for the printing and distribution of certain laws in pamphlet form.

Have had the same under consideration and report the same back and recommend that the same be amended by striking out all after the enacting clause and inserting the accompanying amendment, and when so amended that the same do pass.

J. A. KUHN,
Chairman.

On motion

The report was adopted.

The bill was amended and read a third time

And went to vote as follows:

Ayes — Messrs. Alexander, Catlin, Cornwall, Freeman, Judson, Karr, Kuhn, Preston, Rees, Smith of Klickitat, Smith of Whithman, Van Eaton, Warman and Speaker—14.

Noes—Mr. Raymond—1.

The rest of the members being absent.

Bill passed, title agreed to.

Mr. Alexander moved that when the House adjourn it be to 7 P. M.

Motion carried.

Committee on Ways, Means and Claims

MR. SPEAKER—

Your committee on Ways, Means and Claims to whom was referred

C. B. 26.—An act to provide for the completion of the journals of the extra session of the Legislative Assembly.

Have had the same under consideration and report the same back with the recommendation that it do pass.

W. G. PRESTON,
Chairman.

The bill was laid on the table until 7 P. M.

On motion the House adjourned.

EVENING SESSION.

House called to order by the Speaker.

At roll call all the members were present but those absent on leave.

Report of committee on Enrolled bills

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 16.—An act in relation to Librarian.

Have compared the same with the original bill, and find it correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice of signing the above bill.

Mr. Raymond asked leave to introduce.

H. B. 37.—An act to repeal certain acts of the 8th biennial session of the Legislative Assembly of the Territory of Washington.

The House decided to entertain the bill by a vote of 10 to 9.

Read first time

A motion to suspend the rules and read the bill the second time

Was lost.

Ayes—10.

Noes—9.

Less than two-thirds voting in favor of suspending the rules.

The House took up

C. B. 26.—An act to provide for the completion of the Journals of the extra session of the Legislntive Assembly.

On motion of Mr. Raymond,

The bill was amended so as to allow each clerk $20.

Ayes—12.

Noes—7.

The bill read the third time

The bill then went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Holcomb, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman Van Eaton Warman and Mr. Speaker—17.

Noes—Messrs. Freeman, Kuhn—2.

Absent—Mr. Steen, and those on leave.

Bill passed and title agreed to.

On motion the House reconsidered the vote by which.

C. B. 17.—An act to regulate marriages.

Was indefinitely postponed

Ayes—12.

Noes—5.

On motion referred to the committee on Judiciary.

Report of committee on Ways, Means and Claims.

MR. SPEAKER:

Your committee on Ways, Means and Claims to whom was referred

C. B. 24.—An act in relation to the distribution and sale of the Code.

Have had the same under consideration and report the same back with the recommendation that section 2 be stricken out, and the accompanying sections inserted in lieu thereof.

W. G. PRESTON,
Chairman.

The bill was read the third time and then went to vote as follows:

Ayes—Alexander, Allen, Catlin, Cornwell, Freeman, Judson, Karr, Kincaid, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton, Warman, Speaker.—17.

Noes—Mr. Holcomb.

The rest being absent.

Bill passed and title agreed to.

On leave Mr. Kuhn introduced

H. B. 38.—An act to amend an act entitled An act to prevent hogs running at large in Spokane, Pierce and Clallam counties.

Read first time.

Read second and third time by title under suspension of the rules.

The bill then went to vote as follows:

Ayes—Allen, Catlin, Cornwell, Freeman, Judson, Holcomb, Carr, Kuhn, Preston, Raymond, Smith of King, Smith of Klickitat, Warman, Speaker—14.

Noes—Alexander, Kincaid, Rees, Smith of Whitman Van Eaton—5.

Other members absent.

Bill passed and title agreed to.

Message from the Council.

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 12.—An act to establish the amount and to provide for the payment of costs in certain cases.

C. B. 22.—An act in relation to Prosecuting Attorney in the Third Judicial District.

Herewith transmitted for your signature.

Also

H. B. 16.—An act in relation to Territorial Librarian.

H. B. 20.—An act relating to Assessors.

H. B. 30.—An act to amend an act entitled an act in relation to roads, ferries, bridges and travel on public highways, approved Dec. 1, 1881.

H. B. 34.—An act for the relief of the clerks of the Code commttee.

H. B. 35.—An act to provide for the payment of certain statutes used by the Code committee, and for the rent of committee rooms.

Herewith returned

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice that he was about to sign the above Council bills.

Mr. Holcomb moved that the Clerk be instructed to requested the return of the original copy of

C. B. 22.—An act in relation to Prosecuting Attorneys in the Third Judicial District.

Motion carried.

Ayes—11.

Noes—8.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has concurred in the House amendment to

C. B. 24.—An act in relation to the distribution and sale of the Code.

C. B. 26.—An act to provide for the completion of the journals of the extra session of the Legislative Assembly.

And have amended the amendment of the House to

C. B. 23.—Substitute for

H. B. 33.—An act to provide for printing and distributing certain laws in pamphlet form.

And transmit the same for your concurrence.

And passed.

H. B. 36.—An act to appropriate money to pay for indexing the session laws of the eighth biennial session.

H. B. 38.—An act to amend an act entitled An act to prevent hogs running at large in Spokane, Pierce and Clallam counties

Herewith returned.

R. G. O'BRIEN,
Chief Clerk.

Report of committee on Judiciary

MR. SPEAKER—

Your committee on Judiciary to whom was referred

C. B. 17.—An act to regulate marriages.

Have had the same under consideration and report the same back with the following amendments:

Strike out "Probate Judge" and insert "County Auditor" wherever it occurs in Sec. 6, also in Sections 11, 12, 13, 14 and 15.

STEPHEN JUDSON,
T. J. SMITH,
J. A. KARR,
Committee.

On motion the report was adopted.

Mr. Rees in the chair.

Mr. Kuhn moved to amend the bill by inserting in Sec. 8, line 5, the words "pay the fee for recording the same.

Adopted.

Mr. Preston moved to strike out the words "county in which the female resides."

Adopted.

Ayes—10.

Noes—8.

The bill was read the third time.

And then went to vote as follows:

Ayes—Messrs. Alexander, Allen, Catlin, Cornwall, Freeman, Judson, Karr, Preston, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Van Eaton—14.

Noes—Messrs. Holcomb, Kincaid, Kuhn—3.

The other members being absent.

Bill passed and title agreed to.

C. B. 23.—Substitute for

H. B. 33.—To provide for the printing and distribution certain laws in pamphlet form.

Returned from the Council amended.

On motion the House concured in the Council amendment to the House amendment.

Message from the Governor:

TERRITORY OF WASHINGTON,
EXECUTIVE DEPARTMENT,
Olympia, Dec. 7, 1881.

To House of Representatives:

I have this day signed the following:

H. B. 20.—An act relating to Assessors.

H. B. 30.—An act to amend an act entitled an act in relation to roads, bridges, ferries and travel on public highways, approved Dec. 1, 1881.

H. B. 16.—An act in relation to librarian.

H. B. 35.—An act to provide for the payment of certain statutes used for the Code committee, and for the rent of committee rooms.

H. B. 34.—An act for the relief of the clerks of the Code committee.

Very respectfully,

WM. A. NEWELL.
Governor.

Report of the committee on Enrolled bills.

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 38.—An act to repeal an act entitled an act to prevent hogs from running at large in Spokane, Pierce and Clallam counties.

Have examined the same and find it correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice of signing the above bill.

Message from the Council.

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 25.—An act relating to the codification of the laws and declaring what acts shall constitute the Code.

C. B. 16.—An act relating to courts.

C. B. 26.—An act to provide for completing the journals of the extra session of the Legislative Assembly.

Herewith transmitted for your signature

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice of signing the above bills.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

H. B. 38.—An act to repeal an act entitled an act to prevent hogs from running at large in Spokane, Pierce and Clallam counties.

Herewith returned.

Also

C. B. 13.—An act for the recovery of damages for injuries caused by the sale of intoxicating liquors and providing how licences shall be granted.

Transmitted for your signature.

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice of signing the above bill.

Report of committee on Enrolled bills

MR. SPEAKER—

Your committee on Enrolled bills to whom was referred

H. B. 26.—An act to regulate fees and costs.

H. B. 36.—An act to appropriate money to provide for indexing the laws of the Eighth Biennial Session.

Have compared the same and report them back as correctly enrolled.

R. R. REES,
Chairman.

The Speaker gave notice of signing the above.

Recess.

House called to order by the Speaker.

Message from the Council.

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council has passed

C B. 27.—An act providing for the payment of certain enrolling clerks of the extra session.

Herewith transmitted for your consideration.

R. G. O'BRIEN,
Chief Clerk.

C. B. 27.—An act providing for the payment of certain enrolling clerks of the extra session.

Read first time.

Read the second and third time by title under suspension of the rules.

And went to vote as follows:

Ayes—Alexander, Catlin, Cornwell, Karr, Kuhn, Raymond, Rees, Smith of King, Smith of Klickitat, Smith of Whitman, Warman, Van Eaton, Mr. Speaker—13.

Noes—Messrs. Freeman, Holcomb and Kincaid—3.

The other members being absent.

Bill passed and title agreed to.

The Speaker read the following:

OLYMPIA, *Dec.* 7, 1881.

MR. SPEAKER—

I desire through you to express my heartiest thanks to Wm. H. Hughes, Assistant Clerk, and John J. Calhoun, Messenger of the House of Representatives for their uniform prompt attention to their duties and assistance rendered me during the eighth biennial session, and this extra session of the Legislative Assembly.

E. R. BURK,
Chief Clerk.

On motion the above expression of thanks was ordered spread upon the Journal.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 11.—An act to provide for the inspection and measurement of logs and the formation of lumber districts.

C. B. 23.—An act to provide for printing and distributing certain laws in pamphlet form.

C. M. 10.—Praying an appropriation to reimburse the Territory of Washington for certain expenses incurred in the Indian outbreak in the war of 1877-78.

Transmitted for your signature.

R. G. O'BRIEN,
Chief Clerk.

The Speaker gave notice that he was about to sign the above bills.

House took a recess.

House called to order and resumed the reading of the journal.

Mr. Smith of Klickitat introduced the following resolution:

WHEREAS, Charles B. Hopkins, of Colfax, has by making a bid on printing the pamphlet laws saved $200 to the Territory; Therefore,

Resolved, That the said Charles B. Hopkins has the thanks of the House of Representatives.

On motion the Resolution was adopted.

Ayes—10.

Noes—5.

Recess.

House called to order.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER:

I am instructed by the Council to inform the House that the President has signed

H. B. 26.—An act to regulate fees and costs.

H. B. 36.—An act to appropriate money to provide for indexing the laws of the eighth biennial session.

Herewith returned.

R. G. O'BRIEN,
Chief Clerk.

Message from the Governor:

WASHINGTON TERRITORY,
EXECUTIVE DEPARTMENT
Olympia, Dec. 7, 1881.

To the House of Representatives.

I have this day signed the following:

H. B. 38.—An act to repeal an act to prevent hogs from running at large in Spokane, Pierce and Clallam counties.

WM. A. NEWELL.
Governor.

Message from the Council:

COUNCIL CHAMBER
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 1.—An act to provide a system of common schools.

C. B. 17.—An act to regulate marriages.

C. B. 24.—An act in relation to the distribution and sale of the Code.

C. B. 27.—An act providing for payment of certain clerks of the extra session.

C. B. 19.—An act relative to insolvent debtors.

C. B. 14.—An act to regulate the government for the Hospital for the Insane.

C. B. 20.—An act relating to prosecuting attorneys of the First Judicial District.

Herewith transmitted for your signature.

R. G. O'BRIEN,
Chief Clerk.

Speaker gave notice that he was about to sign the above bills.

C. B. 14.—An act to regulate the government of the Hospital for the Insane.

Transmitted for the Speaker's signature was found not corrected according to the orders of the House.

The clerk was instructed to make the correction in accordance with the amendments, and report the bill back to the Council for their concurrence.

The Council concurred in the amendment.

Speaker gave notice of signing the bill.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the President has signed

C. B. 8.—An act to provide for the formation of corporations.

Herewith transmitted for your signature.

Also

That Messrs. Sharpstein and Kerns are appointed a committee on the part of the Council to act with a like committee of the House to wait on the Governor and ascertain if he has anything further to communicate.

R. G. O'BRIEN,
Chief Clerk.

The Speaker signed the above bill.

Messrs. Cornwall and Karr were appointed joint committee on the part of the House to wait on the Governor and find out if he had anything further to communicate to the Legislative Assembly.

Message from the Council:

COUNCIL CHAMBER,
Dec. 7, 1881.

MR. SPEAKER—

I am instructed by the Council to inform the House that the Council is now ready to adjourn *sine die.*

R. G. O'BRIEN,
Chief Clerk.

Mr. Sharpstein of the joint committee to wait upon the Governor, reported that the Governor wished to meet the two Houses in joint convention.

The Governor was escorted within the bar and delivered a closing address.

Which was ordered printed.

After which the convention, adjourned

On motion the House adjourned *sine die.*

GEORGE COMEGYS,
Speaker of the House.

E. R. BURK,
Chief Clerk.